

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tileyah Williams	Team: Squad #3	CCRB Case #: 202103414	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/06/2021 12:15 PM	Location of Incident: In the vicinity of Depot Place	Precinct: 44	18 Mo. SOL 12/6/2022	EO SOL 12/6/2022	
Date/Time CV Reported Sun, 06/06/2021 1:14 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 06/06/2021 1:14 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Alfonsina Young	05232	954317	SRG 2
2. SGT Sindy Sanchez	00546	939761	SRG 2

Officer(s)	Allegation	Investigator Recommendation
A.SGT Sindy Sanchez	Abuse: Sergeant Sindy Sanchez questioned § 87(2)(b)	
B.POF Alfonsina Young	Abuse: Police Officer Alfonsina Young failed to provide § 87(2)(b) with a business card.	
C.SGT Sindy Sanchez	Abuse: Sergeant Sindy Sanchez failed to provide § 87(2)(b) with a business card.	
D.SGT Sindy Sanchez	Abuse: Sergeant Sindy Sanchez threatened to remove § 87(2)(b) to the hospital.	
§ 87(2)(g), § 87(4-b)		

Case Summary

On June 6, 2021, § 87(2)(b) filed this complaint with the CCRB via the online processing system.

On June 6, 2021, at approximately 12:15pm, § 87(2)(b) was in the vicinity of the Strategic Response Group 2's (SRG 2) stationhouse, at 1278 Sedgwick Avenue in the Bronx. He then saw that NYPD vehicles were parked on the sidewalk and began taking photos of them. Police Officer Alfonsina Young of SRG2 observed § 87(2)(b) taking the photos and she and Sergeant Sindy Sanchez of SRG 2 approached him. The officers questioned § 87(2)(b) about why he was taking the photos (**Allegation A: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) asked the officers for their business cards, and they did not provide them (**Allegations B and C: Abuse of Authority**, § 87(2)(g)). Sgt. Sanchez allegedly asked § 87(2)(b) for his ID and threatened to remove him to the hospital (**Allegations D: Abuse of Authority**, § 87(2)(g), § 87(4-b)).

§ 87(2)(b) was not arrested or issued a summons.

The investigation obtained stationhouse footage and a video recording from § 87(2)(b) (**01, 02, 03 Board Review**). PO Alfonsina improperly did not turn on her BWC (See OPMN). Sgt. Sanchez was not equipped with a BWC at the time of the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Sindy Sanchez questioned § 87(2)(b).

§ 87(2)(b) testified that on June 6, 2021, at approximately 12:15 pm, he was out for a run and as he arrived onto Sedgewick Avenue, he could not use the sidewalk because there were marked and unmarked police vehicles parked on the sidewalk (**06 Board Review**). He noted that on that block, SRG 2 had a stationhouse with a parking lot, but still allowed vehicles to park on the sidewalk, which forced him to walk in the street. § 87(2)(b) noticed that one of the unmarked vans had a permanent registration that had expired, and he used his mobile phone to take a photo of the expired registration. He then walked up the street to Depot Place and saw another police vehicle parked on the sidewalk which had an expired registration and took a photo of the registration of that vehicle and continued to walk on Depot Place. A marked sedan then drove in the street, approximately ten feet on the left side of § 87(2)(b) and Sgt. Sanchez said something to § 87(2)(b) through her rolled down window. § 87(2)(b) did not recall what she said. § 87(2)(b) then stopped to see what was going on. PO Young then stopped driving and she and Sgt. Sanchez exited their vehicle. § 87(2)(b) used his mobile phone and began recording. § 87(2)(b) was not sure if the officers activated their turret lights or sirens prior to stopping alongside him. At that point, § 87(2)(b) stood facing their parked police vehicle while one officer stood in the front to his left side and one to the front of his right side. Sgt. Sanchez asked him why he was taking photos of their vehicles, though § 87(2)(b) did not recall the exact wording of her question. § 87(2)(b) asked her if it was illegal to take the pictures. Sgt. Sanchez explained that their vehicles had been

vandalized recently and that he was not allowed to take the photos. Either Sgt. Sanchez or PO Young told him that he could take photos of the car or the license plate but not the registration sticker. At some point § 87(2)(b) asked the officers if he was free to leave and neither of them answered him. The officers continued to ask him about why he was taking photos of their vehicles. § 87(2)(b) asked them if they saw him do anything illegal and PO Young told him yes, and that she saw him taking photos of their cars.

Stationhouse footage from the roof on Sedgewick Avenue, shows that at 1:32:10 minutes, § 87(2)(b) (wearing a blue shirt and entering from the bottom of the screen) walks past the stationhouse (**02 Board Review**). § 87(2)(b) stops by the driver's side of an unmarked vehicle, remaining in the road, and takes a picture of the vehicle near the driver's side window, by the sideview mirror. He continues walking. At 1:32:36 minutes, the view shows a female officer, PO Young, start to walk after § 87(2)(b) but after a second, stops mid-step and walks back toward the stationhouse. As § 87(2)(b) walks past the last parked vehicle, he holds up his right hand toward the vehicles again. The view shows a marked sedan parked in front of the stationhouse. At 1:34:00 minutes, PO Young gets in the driver's seat, but the view does not show the passenger side of the car.

Stationhouse footage which shows the end of the parking lot, and the beginning of Depot Place up the street shows that at after § 87(2)(b) leaves the vicinity of the stationhouse, he continues walking on Sedgewick Avenue (**03 Board Review**). At 1:33:33 minutes, he continues onto Depot Place. He stops near the driver's side window of an unmarked van and stays there for two seconds. He then continues walking. At 1:34:17 minutes, the view shows a marked sedan (ostensibly the vehicle that PO Young and Sgt. Sanchez are in), drive by. The turret lights are not activated. It turns left on Depot Place and goes in the direction of § 87(2)(b). The angle does not capture their interaction with § 87(2)(b) and it does not capture § 87(2)(b)'s interaction with any other vehicles.

Video footage provided by § 87(2)(b) shows that when the video starts, Sgt. Sanchez is outside of her vehicle, near the passenger door and PO Young is near the driver's door (**01 Board Review**). They remain in these positions. Sgt. Sanchez asks, "Why are you taking pictures of my department vehicles?" § 87(2)(b) asks if it was illegal. Sgt. Sanchez repeats the question and says that it is one thing for him to take photos of the license plate but that he was going to the registration of the vehicles, and they just got vehicles broken into the night before she wanted to know why he was in the confines of her precinct taking pictures. § 87(2)(b) points his camera toward PO Young and she says that she was recording. § 87(2)(b) asks if PO Young observed him do anything illegal and PO Young says that she did observe him taking pictures. § 87(2)(b) asks if it was illegal. PO Young starts a statement, "It is department" and Sgt. Sanchez starts a statement, "You cannot go to a..."; the video then discontinues.

PO Young testified that when § 87(2)(b) walked in the vicinity of the stationhouse, he walked into their parking lot and started taking photos of vehicles in their lot (**07 Board Review**). At that point, § 87(2)(b) was trespassing. PO Young tried to approach § 87(2)(b) and called out, "Sir." § 87(2)(b) ignored PO Young and continued walking out of the lot. PO Young intended to ask § 87(2)(b) whether he was taking

pictures, but she left him alone when he walked out of the lot. A few minutes later, PO Young saw that § 87(2)(b) had walked to Depot Place, which was approximately 100 feet away from the front of the stationhouse. § 87(2)(b) was then taking photos of all the vehicles there. PO Young thought that it was not right that § 87(2)(b) was taking photos, but she did not suspect him of criminal activity. PO Young then walked into the stationhouse, to the desk, where Sgt. Sanchez was the desk officer. PO Young told Sgt. Sanchez that it appeared that § 87(2)(b) was taking photos of their vehicles. Both PO Young and Sgt. Sanchez knew that in the past, their vehicles had been vandalized (tire slashing and stolen car parts), but they did not discuss this during the incident. Sgt. Sanchez made the decision to approach § 87(2)(b) and told PO Young, “Let’s go approach him.” Sgt. Sanchez made the decision to approach § 87(2)(b) so that they could ask why he was taking photos of the vehicles and there was no other reason. PO Young and Sgt. Sanchez then got into a marked vehicle which was parked in front of the stationhouse and drove toward § 87(2)(b). They did not activate their turret lights or sirens.

PO Young said that when they approached § 87(2)(b) he was already stopped and taking photos (**07 Board Review**). PO Young and Sgt. Sanchez then got out of their vehicle and stood near it. One of them asked § 87(2)(b) why he was taking photos of their vehicles and § 87(2)(b) began yelling and recording the officers. PO Young did not recall everything that § 87(2)(b) said but remembered that he said that taking photos was not a crime. When they approached and questioned him, § 87(2)(b) was free to leave, although PO Young did not volunteer that information to § 87(2)(b). § 87(2)(b) did not ask whether he was free to leave. PO Young did not recall whether any officer told § 87(2)(b) that it was illegal to take photos of their vehicles and noted that it is not illegal for him to take photos of their vehicles on Depot Place. No officer asked § 87(2)(b) for his ID. After reviewing § 87(2)(b)’s video recording, PO Young explained that when she responded to § 87(2)(b)’s question about whether he was doing something illegal and PO Young said that she did, she meant that she was referring to him being in the lot taking photos (**08 Board Review**).

Sgt. Sanchez testified that she decided to approach § 87(2)(b) so that she could determine whether § 87(2)(b) was okay and if there was a reason that he was near their vehicles’ (**09 Board Review**). She did not stop § 87(2)(b) but was just inquiring about what he was doing. She noted that they had a shelter next door to the stationhouse, which housed people with mental illnesses, who may walk in and out of their lot. Initially, Sgt. Sanchez believed that § 87(2)(b) could have been emotionally disturbed, but since he was continuing onto Depot Place, Sgt. Sanchez was unsure of where he was heading and whether he was trying to do something to the cars. Sgt. Sanchez did not expect a hostile response from § 87(2)(b). She further noted that an officer had his catalytic converter stolen from under his vehicle in the daytime, some time prior to this incident. Officers must always be alert about what is going on and needed to ensure that their vehicles were not being vandalized. As Sgt. Sanchez approached § 87(2)(b) she saw that he was walking in and out of the spaces where their cars were parked on Depot Place. She saw him holding his phone near the bottom of vehicles, where license plates were and near the registration at the driver’s door.

Sgt. Sanchez said that while she spoke to § 87(2)(b) he asked if he was free to leave and she told him of course he was free to go, and that he could just walk away without a problem (**09 Board Review**). Sgt. Sanchez did not recall telling § 87(2)(b) that it was illegal for him to take photos of the vehicles. She did not recall telling him that he did anything illegal. She did not know if PO Young did. § 87(2)(b)'s behavior on Depot Place was not illegal but it was suspicious because he could be pretending to take photos and could be breaking into the vehicle. She only inquired about what he was doing around their vehicles.

People v. Hill 33 N.Y.3d 990 (2019) notes that officers are allowed to approach an individual for an articulable reason and asked briefly about their identity and reason for being in the area (**10 Board Review**). This is a level-one inquiry, which should be supported by an objective credible reason.

§ 87(2)(b) PO Young and Sgt. Sanchez all testified that prior to officers approaching § 87(2)(b) he had been taking pictures of vehicles that either belonged to the NYPD or to members of the NYPD, including of the vehicles' registration. Both officers testified that they approached § 87(2)(b) to ask why he was taking pictures and did not stop him. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Alfonsina Young failed to provide § 87(2)(b) with a business card.

Allegation (C) Abuse of Authority: Sergeant Sindy Sanchez failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) testified that after PO Young told him that he was doing something illegal, § 87(2)(b) asked her, "Can I have your card please," and she said that she did not have any with her (**06 Board Review**). § 87(2)(b) then asked Sgt. Sanchez, "Can I have your card please," and she also said that she did not have any with her, and that § 87(2)(b) would need to go with them to the stationhouse if he wanted their cards. § 87(2)(b) learned Sgt. Sanchez' name by reviewing the cell phone video that he recorded.

Neither the stationhouse footage nor the video provided by § 87(2)(b) recorded this aspect of the incident.

PO Young testified that she did not have any business cards because she was performing stationhouse security and did not carry them with her (**07 Board Review**). She usually kept them in her bookbag and since she was doing stationhouse security, she did not have her bookbag. PO Young did not know whether Sgt. Sanchez had business cards. § 87(2)(b) asked them for their business cards and Sgt. Sanchez told him that she did not have them but that he could get one from the stationhouse. PO Young did not recall her response to this request. PO Young noted that in this situation, while working stationhouse, her policy is that she could have called an officer from the stationhouse to bring her

business cards or that a civilian could go back and get a business card from the stationhouse. PO Young did not call the stationhouse because she and Sgt. Sanchez were the only officers in the building.

Sgt. Sanchez said did not have business cards because she was assigned to the desk and was not expecting to have interactions with the public **(09 Board Review)**. § 87(2)(b) asked her for a business card, and she told him that he could go back to the stationhouse with her to get one and he did not respond. She then read her name and shield number, which was on her uniform. She said that when she went into the stationhouse, she got one of her business cards to give § 87(2)(b) but by the time she came went back out, § 87(2)(b) was no longer there. Sgt. Sanchez did not recall whether § 87(2)(b) asked PO Young for a business card. She did not remember whether PO Young had business cards.

As explained earlier, stationhouse footage shows when PO Young and Sgt. Sanchez leave the stationhouse to first interact with § 87(2)(b) **(02 Board Review)**. The view shows that the vehicle returns to the front of the stationhouse at 1:39:45 minutes. PO Young exits the vehicle and goes toward the entrance to the stationhouse. She gets back into the vehicle at 1:44:23 minutes and drives away. Stationhouse footage showing Depot Place, shows that as the marked sedan approaches Depot Place at 1:45:18 minutes, it goes back in the direction where § 87(2)(b) had walked prior (03 Board Review).

Administrative Guide 304-11 states that officers must provide business cards at the request of members of the public **(12 Board Review)**. The guide notes that absent a business card, the officer should allow a member of the public ample time to write down officers' identifying information.

§ 87(2)(g)
[REDACTED]

Allegation (D) Abuse of Authority: Sergeant Sindy Sanchez threatened to remove § 87(2)(b) to the hospital.

§ 87(2)(b) testified that at some point, Sgt. Sanchez asked him for his ID to which he responded that there was no law that stating that he needed to have his ID **(06 Board Review)**. Sgt. Sanchez said that he did need to have his ID with him. § 87(2)(b) said

that he did not have his ID and asked Sgt. Sanchez if she was going to arrest him. Sgt. Sanchez said that she was not going to do so. Sgt. Sanchez then said something to § 87(2)(b) about him prowling around their cars. § 87(2)(b) did not recall exactly what Sgt. Sanchez said but he did not like that she said that he was prowling, and it made him upset. He did not recall what he said in response but knew that he used the word “bullshit.” Sgt. Sanchez and PO Young then walked toward their vehicle and Sgt. Sanchez told § 87(2)(b) that if she saw him around their cars again that she would send him to the hospital. § 87(2)(b) replied that if he saw them breaking the law that he would record them and asked Sgt. Sanchez if she was threatening him. Sgt. Sanchez got into her vehicle and repeated through the window that if she saw § 87(2)(b) around their cars again, she would send him to the hospital. The officers then drove off. When Sgt. Sanchez made this statement to § 87(2)(b) he felt that she would physically assault him where he would end up in the hospital.

Neither the stationhouse footage nor the video provided by § 87(2)(b) recorded this aspect of the incident.

Sgt. Sanchez testified that she told § 87(2)(b) that he was not exhibiting normal behavior and asked if he needed an ambulance (**09 Board Review**). § 87(2)(b) said that he was walking, “this way” and Sgt. Sanchez replied, “Are you going to end up leaving or are you probably going to end up in the hospital?” § 87(2)(b) made some statements that Sgt. Sanchez could not remember and at some point, he started cursing to himself and repeating the word “Fuck.” § 87(2)(b) was not doing anything with his body. Sgt. Sanchez asked § 87(2)(b) for his identification because she wanted to know who he was. She noted that at that point, she was considering having § 87(2)(b) removed to the hospital as an emotionally disturbed person and needed to be able to identify him. § 87(2)(b) told her that he did not have to give her ID. § 87(2)(b) cursing, telling her that he did not have to explain his actions, not explaining his actions, going around officers’ cars, and not knowing what § 87(2)(b) was thinking, all contributed to Sgt. Sanchez’s thoughts to remove § 87(2)(b) to the hospital. She may have told § 87(2)(b) that if she saw him around their vehicles again that she would send him to the hospital because he was not explaining why he was going around the cars and Sgt. Sanchez did not understand why. If he would have provided an explanation, Sgt. Sanchez would have understood. She did not consider him to be dangerous to himself. Sgt. Sanchez believed that she decided to just leave the situation alone because it was unnecessary.

PO Young testified that at the end of the incident, Sgt. Sanchez told § 87(2)(b) that she may call an ambulance (**07 Board Review**). PO Young explained that § 87(2)(b) was yelling and appeared to be emotionally disturbed. PO Young noted there were no other factors leading to this decision. § 87(2)(b) continued to yell but the officers just left. PO Young did not recall whether Sgt. Sanchez made the alleged statement.

NYPD Patrol Guide Procedure 221-13 defines an emotionally disturbed person as an individual who appears to be mentally ill, temporarily deranged and conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others (**14 Board Review**).

Sgt. Sanchez said that she asked § 87(2)(b) for his ID because she wanted to be able to identify him, in case she needed to remove him to the hospital. She further noted that his behavior was not normal because he was taking photos of their vehicles and not explaining why, in addition to cursing to himself. She did not believe he was dangerous though. PO Young added that § 87(2)(b) was yelling, which made him appear emotionally disturbed. Neither officer described any actions by § 87(2)(b) to demonstrate he was acting in a way that would likely result in serious injury to himself or others. The

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g), § 87(4-b)
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Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]

- § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(c), § 87(2)(b)

Squad: 3

Investigator: IM Rolando Vasquez for Investigator Tileyah Williams 10/4/2022
Signature Print Title & Name Date

Squad Leader: Rolando Vasquez IM Rolando Vasquez 10/4/2022
Signature Print Title & Name Date